

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

MARQUIS BONDS,

GDC NO. 1000790495,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

Criminal Action No.

2:16-CR-34-RWS (1)

Civil Action No.

2:19-CV-109-RWS-JCF

ORDER

This matter is before the Court on the September 17, 2021, Final Report and Recommendation (“R&R”) of Magistrate Judge J. Clay Fuller [Dkt. 73] that Marcus Bonds’ *pro se* Motion to Vacate, Set Aside, or Correct Sentence (“Motion to Vacate”) pursuant to 28 U.S.C. § 2255 be denied and that no certificate of appealability issue.

In reviewing a Report and Recommendation, the district court “shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also United States v. Schultz, 565 F.3d 1353, 1361 (11th Cir. 2009). In

contrast, absent objection, the district judge “may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate [judge],” 28 U.S.C. § 636(b)(1), and “need only satisfy itself that there is no clear error on the face of the record” in order to accept the recommendation. FED. R. CIV. P. 72, advisory committee note, 1983 Edition, Subdivision (b); Macort v. Prem, Inc., 208 Fed. Appx. 781, 784 (11th Cir. 2006) (quoting Diamond v. Colonial Life & Accident Ins., 416 F.3d 310, 315 (4th Cir. 2005)).

No objections have been filed, and the time for doing so has expired. Having carefully reviewed the record and the R&R, Judge Fuller’s R&R [Dkt. 73] is hereby approved and **ADOPTED** as the opinion and order of this Court. As such,

It is **ORDERED** that the movant Marquis Bonds’ Motion to Vacate [Dkt. 66] is hereby **DENIED**. The Court further finds that the movant has not satisfied the standard for issuance of certificate of appealability. Therefore, a certificate of appealability is **DENIED**.

The Clerk of Court is **DIRECTED** to close the related case, Civil Action No. 2:19-CV-109-RWS-JCF.

SO ORDERED this 12th day of October, 2021.



RICHARD W. STORY
2 United States District Judge